

**UNITED STATES PATENT & TRADEMARK OFFICE**  
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REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>11/21/08</u>		2 Serial/Patent # <u>10/65975</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
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<input checked="" type="checkbox"/>	Extension of Time		<u>102888</u>	\$ <u>555.00</u>
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Richard A. Dixon *et al.*

Serial No.: 10/659,755

Filed: September 10, 2003

For: METHODS AND COMPOSITIONS FOR  
PRODUCTION OF FLAVONOID AND  
ISOFLAVONOID NUTRACEUTICALS

Group Art Unit: 1638

Examiner: Russell Kallis Ph.D.

Atty. Dkt. No.: NBLE:007US

Confirmation No. 4103

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

October 28, 2008  
Date

/ Robert E. Hanson/  
Robert E. Hanson

**AMENDMENT AND RESPONSE TO OFFICE ACTION DATED JULY 30, 2007**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Final Office Action dated April 21, 2008. This response was due October 21, 2008, in view of the enclosed petition for extension of time and fees. Although the period for response has expired, entry of the foregoing amendment is respectfully requested in view of the petition to revive this application for unintentional abandonment, which petition is being submitted herewith, along with the fee. A Request for Continued Examination (RCE) is filed herewith, along with the fee for the RCE. No additional fees are believed due in connection with this submission. However, the Commissioner is authorized to deduct any fees that may become due for this case under 37 C.F.R. §§ 1.16 to 1.21 from Sonnenschein Nath & Rosenthal LLP Deposit Account No. 19-3140/NBLE:007US. Reconsideration is respectfully requested.

## CONCLUSION

In light of the above amendments and discussion, applicants respectfully request withdrawal of all rejections and examination of withdrawn claims 37-45, since those claims are dependent on allowable claim 24 or 40.

Respectfully submitted,

/ Robert E. Hanson/

Robert E. Hanson  
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Attorney for Applicants

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Fax: 214.259.0910

Date: October 28, 2008

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2009</b> <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) NBLE:007US	
Application Number 10/659,755		Filed September 10, 2003	
For METHODS AND COMPOSITIONS FOR PRODUCTION OF FLAVONOID AND ISOFLAVONOID NUTRACEUTICALS			
Art Unit 1638		Examiner Russell Kallis Ph.D.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ <u>555</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____			
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>42,628</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
/Robert E. Hanson/		October 28, 2008	
_____ Signature		_____ Date	
Robert E. Hanson		214-259-0931	
_____ Typed or printed name		_____ Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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